

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

OFFICE OF ADMINISTRATIVE HEARINGS

Editor's Note: The following Notices of Rulemaking Docket Opening were exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 629.)

[R14-28]

1. **Title and its heading:** 2, Administration
Chapter and its heading: 19, Office of Administrative Hearings
Article and its heading: 1, Prehearing and Hearing Procedures
Section numbers: R2-19-122 (Sections may be added, deleted or modified as necessary)
2. **The Subject matter of the proposed rules:**
Amending section to conform to statutory language.
3. **A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 20 A.A.R., 565, March 7, 2014 (in this issue)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Cliff J. Vanell
Address: Office of Administrative Hearings
1400 W. Washington, Suite 101
Phoenix, AZ 85007
Telephone: (602) 542-9826
Fax: (602) 542-9827
E-mail: cliff.vanell@azoah.com
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments may be submitted until 5:00 p.m., April 23, 2014.
An oral comment proceeding has been scheduled as follows:
Date: April 30, 2014
Time: 9:00 a.m.
Location: Office of Administrative Hearings
1400 W. Washington, Suite 101
Phoenix, AZ 85007
6. **A timetable for agency decisions or other action on the proceeding, if known:**
Written comments may be submitted until 5:00 p.m., April 23, 2014.
An oral comment proceeding has been scheduled as follows:
Date: April 30, 2014
Time: 9:00 a.m.
Location: Office of Administrative Hearings
1400 W. Washington, Suite 101
Phoenix, AZ 85007

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF MASSAGE THERAPY

[R14-26]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 15, Board of Massage Therapy
Article and its heading: 1, General Provisions
2, Licensing
3, Continuing Education
Section numbers: R4-15-101, R4-15-102, R4-15-103, R4-15-201, R4-15-203,
R4-15-205, R4-18-207, Table 1, R4-15-301, R4-15-302, R4-15-303
(The Board may add, delete, or modify sections as necessary)

2. The subject matter of the proposed rules:

The Board is amending its rules to be consistent with legislation passed during the 2013 legislative session and to reflect the proposed course of action in its Five-Year Review Report approved by the Governor's Regulatory Review Council on January 5, 2010. The Board is amending its definitions in R4-15-101 to make the terms understandable to the reader and afford consistent interpretation and application of the terms. The Board is amending its fees' rule in R4-15-102 to inform an applicant that the Board accepts fees by cashier's check or money order only except for on-line applications, in which case the Board will accept credit cards. The Board is amending its application rule in R4-15-201 to be consistent with its practice of requiring a passport photograph of the applicant, by deleting the provision for temporary licenses because the Board does not issue temporary licenses, and adding the test administered by the FSMTB as an approved test. The Board is adding requirements for renewal applications in R4-15-205 and is changing the requirement for hours of continuing education from 25 to 24 to be consistent with A.R.S. § 32-4225(E). The Board is also adding more ways for a licensee to obtain continuing education in Article 3. The Board is deleting time-frame requirements for a provisional and temporary license because it no longer issues either type of license and reducing the overall time-frame for a regular license from 180 to 120 days. The Board is adopting ethical standards and communication proficiency standards as required by current statute. The latter provisions are being adopted as health and safety measures to ensure that a massage therapist is able to evaluate a client and communicate in English with the client or other health care practitioners and with a 911 operator in the case of an emergency. The Board may add, delete, or modify other sections as necessary. The Board may add, delete, or modify sections as necessary

The Board is submitting this rulemaking to the Secretary of State's office in accordance with the exemption authorization under item 4 of Executive Order 2012-03, State Regulatory Rulemaking Moratorium.

3. A citation to all published notices related to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Kathleen Phillips, Executive Director
Address: Board of Massage Therapy
1400 W. Washington, Suite 300
Phoenix, AZ 85007
Telephone: (602) 542-8604
Fax: (602) 542- 8804
Email: kathleen.phillips@massageboard.az.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board will continue to accept written comments at the location listed above until the close of record. The Board will schedule oral proceedings within the statutory mandated time-frame, which will be noticed by publication in the *Arizona Administrative Register*.

6. A timetable for agency decisions or other action on the proceeding, if known:

None